

ORDINANCE NO. 20160818-026

AN ORDINANCE AMENDING CHAPTER 1-2 OF THE CITY CODE RELATING TO ADOPTION OF RULES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsection (A) of City Code Section 1-2-2 (*Posted Notices; Duties of the City Clerk*) is amended to read as follows:

- (A) The city clerk shall post notices that are required to be posted by this chapter on the City website ~~[bulletin board]~~ used for notice of public meetings, and shall record on the notice the date and time that the notice was posted.

PART 2. City Code Section 1-2-3 (*Notice by Mail*) is amended to read as follows:

§ 1-2-3 NOTICE BY MAIL.

- (A) The department shall mail a copy of a notice posted under this chapter to a person if the person[
(1)] makes a written request to the department to be notified. ~~[, and~~
(2) ~~pays the fee established by ordinance for the notice.]~~
- (B) Unless a person requests notice by the United States Postal Service mail, the department will provide notice by e-mail. [Notice under this section shall be mailed not later than the sixth day after the date the notice is required to be posted.]
- (C) If a person requests notice by the United States Postal Service mail, the person shall pay a fee established by separate ordinance for the notice.
- (D) The department shall mail notice under Subsection (B) not later than the sixth day after the date the notice is required to be posted.

PART 3. City Code Section 1-2-4(B) (*Notice of Proposed Rule*) is amended to read as follows:

- (B) A department proposing a rule for adoption must file with the city clerk a notice, signed by the director of the department proposing the rule. The notice must include:

- (1) the text of the proposed rule, indicating changes from the current text, if any, or a statement that the text is available from the department for public inspection or copying, and the manner and cost of obtaining a copy;
- (2) a brief explanation of the rule, or a statement that the explanation of the rule is available from the department for public inspection or copying, and the manner and cost of obtaining a copy;
- (3) an explanation of the authority under which the rule is proposed for adoption, and a certification that the rule was reviewed by the city attorney and found to be within the department's authority to adopt; and
- (4) a request for comments on the rule from the public, listing the name, e-mail address, and telephone number of the person to whom comments should be submitted and the last date by which comments may be submitted.

PART 4. Subsection (B) of City Code Section 1-2-8 (*Notice of Rule Adoption*) is amended to read as follows:

- (B) The city clerk shall post the notice of rule adoption on the City website used for notice of public meetings.

PART 5. City Code Section 1-2-9 (*Failure to Adopt a Rule*) is amended to read as follows:

§ 1-2-9 - FAILURE TO ADOPT A RULE.

If a proposed rule is not adopted in accordance with Section 1-2-7 (*Adoption Of A Rule*) on or before the 70th [~~90th~~] day after notice of the proposed rule was posted by the city clerk, the rule may not be adopted until a new notice and comment period is provided in accordance with Sections 1-2-4 (*Notice Of Proposed Rule*) and 1-2-5 (*Period For Comments*).

PART 6. Subsection (A) of City Code Section 1-2-10 (*Appeal of Adopted Rule to City Manager*) is amended to read as follows:


- (A) A person may appeal the adoption of a rule to the city manager by filing with the city clerk a written statement that:
- (1) states the name, mailing address, e-mail address, and telephone number of the person appealing the rule;
 - (2) identifies each rule being appealed; and
 - (3) states the specific reason why the rule should be modified or withdrawn.

PART 7. This ordinance takes effect on August 29, 2016.

PASSED AND APPROVED


_____, August 18, 2016

APPROVED:



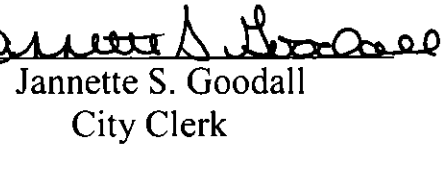
Anne L. Morgan
City Attorney

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Steve Adler
Mayor

ATTEST:



Jannette S. Goodall
City Clerk